

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARMSTRONG WORLD INDUSTRIES, INC.,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE  
COMPANY,

Defendant.

Civil Action No. 02-4360

**UNCONTESTED MOTION FOR EXTENSION OF TIME**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7.1, Armstrong World Industries, Inc. (“Armstrong”) respectfully requests that the time to reply to counterclaims filed by defendant Liberty Mutual Insurance Company (“Liberty Mutual”) in the above-captioned action be extended to and including March 16, 2007. This motion is not contested by Liberty Mutual.

In support of this uncontested motion, Armstrong states as follows:

1. Armstrong filed a petition for reorganization under chapter 11 of the U.S. Bankruptcy Code on December 6, 2000.
2. The original Complaint in this action was filed by Armstrong on July 1, 2002.
3. This action was transferred to the civil suspense docket pursuant to a stipulation and order of this Court dated September 16, 2002.
4. On October 10, 2003, the Court approved a Stipulation and Order that also was approved by the U.S. Bankruptcy Court and the U.S. District Court that were presiding over Armstrong’s chapter 11 case that, among other things, extended the time for Liberty Mutual to

file any counterclaims in this case until 20 days after Liberty Mutual had received notice that Armstrong's plan of reorganization (the "Plan") had become effective.

5. Armstrong's Plan became effective on October 2, 2006.

6. Liberty Mutual filed its counterclaims on October 19, 2006.

7. The Plan provides that, upon the effective date of the Plan, the Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust (the "Armstrong Trust") is the successor in interest to certain rights and obligations with regard to the insurance policies at issue in this case.

8. Covington & Burling LLP, which is lead counsel for Armstrong in this action, does not represent the Armstrong Trust but continues to represent Armstrong in connection with Armstrong's obligation to cooperate with the Trust.

9. The parties previously agreed, with the Court's approval, to extend the time for Armstrong or its successor, the Armstrong Trust, to reply to Liberty Mutual's Counterclaims to February 9, 2007, in part to permit the Armstrong Trust to retain counsel.

10. The Armstrong Trust retained Gilbert Randolph LLP and Montgomery, McCracken, Walker & Rhoads, LLP to represent its interests in the above-captioned matter and a related case, Case No. 1:04-cv-00499-RBS (the "ADR Vacatur Motion"), also pending before this Court.

11. On February 7, 2007, the Court granted the parties' first Uncontested Motion for Extension of Time to further extend the time for Armstrong or its successor, the Armstrong Trust, to reply to Liberty Mutual's Counterclaims to March 2, 2007 to permit the parties additional time to effectuate the substitution of the Armstrong Trust for Armstrong in this case and the ADR Vacatur Motion.

12. Motions to substitute the Armstrong Trust for Armstrong in this case and the ADR Vacatur Motion will be filed shortly.

13. Counsel for Armstrong, the Armstrong Trust, and Liberty Mutual have conferred and jointly agree that a further extension of time is necessary to allow the Armstrong Trust's counsel to prepare a reply to Liberty Mutual's Counterclaims and to give the parties additional time to reach agreement on procedural matters concerning this action and the ADR Vacatur Motion.

14. As stated in the accompanying Certificate of Counsel, Liberty Mutual does not contest the relief sought herein.

Accordingly, and for the foregoing reasons, Armstrong respectfully requests that the time to reply to Liberty Mutual's Counterclaims be extended to and including March 16, 2007.

Dated: March 1, 2007

Respectfully submitted,

/s/ Frank R. Emmerich Jr

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**CERTIFICATE OF COUNSEL**

Pursuant to Local Rule 7.1(b), the undersigned certifies that he has conferred with counsel for Defendant Liberty Mutual Insurance Company and confirmed there is no objection to the relief sought by the accompanying Uncontested Motion for Extension of Time.

CONRAD O'BRIEN GELLMAN & ROHN, PC

/s/ Frank R. Emmerich Jr

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Counsel for Plaintiff  
Armstrong World Industries, Inc.

**CERTIFICATE OF SERVICE**

I, Frank R. Emmerich Jr., hereby certify that on March 1, 2007, I caused a copy of the foregoing Uncontested Motion for Extension of Time to be electronically filed and that the pleading was also served by regular mail upon the following:

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/s/ Frank R. Emmerich Jr.  
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